

ESTTA Tracking number: **ESTTA411608**Filing date: **05/27/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	FK Republika Srpska, NFP		
Entity	Corporation	Citizenship	Illinois
Address	491 Dakota Court Carol Stream, IL 60188 UNITED STATES		

Attorney information	Phillip Barengolts Pattishall McAuliffe Newbury Hilliard & Geraldson LLP 311 South Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES pb@pattishall.com, dih@pattishall.com, lrb@pattishall.com Phone:312-554-8000
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Registrations Subject to Cancellation

Registration No	3823417	Registration date	07/20/2010
Registrant	ATHLETIC FOUNDATION SRPSKA, INC. 328 E UNION AVE. WHEATON, IL 60187 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2000/04/21 First Use In Commerce: 2000/04/21
All goods and services in the class are cancelled, namely: Sports jerseys and breeches for sports

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Registration is void ab initio.		
Registration No	3823424	Registration date	07/20/2010
Registrant	ATHLETIC FOUNDATION SRPSKA, INC. 328 E UNION AVE. WHEATON, IL 60187 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2000/04/21 First Use In Commerce: 2000/04/21
All goods and services in the class are cancelled, namely: Entertainment in the nature of soccer games; Organizing sporting events, namely, Soccer competition; Soccer camps; Soccer instruction

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Registration is void ab initio.

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FK REPUBLIKA SRPSKA		
Goods/Services	soccer tournaments, games and instructional courses, as well as clothing related thereto.		

Attachments	Petition for Cancellation FK Republika Srpska.PDF (5 pages)(31298 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/pb/
Name	Phillip Barengolts
Date	05/27/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Nos. 3,823,417 and 3,823,424: FK REPUBLIKA SRPSKA
Registration Date: July 20, 2010

FK REPUBLIKA SRPSKA,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
ATHLETIC FOUNDATION SRPSKA, INC.,)	
)	
Registrant.)	

CONSOLIDATED PETITION FOR CANCELLATION

FK Republika Srpska, NFP, an Illinois registered non-profit organization having offices in Carol Stream, Illinois, believes it is and will continue to be damaged by the maintenance of Reg. Nos. 3,823,417 and 3,823,424 on the Supplemental Register and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner and its predecessors have for many years organized and marketed soccer tournaments, games and instructional courses, as well as related goods and services, including clothing, in connection with the trademark FK REPUBLIKA SRPSKA.

2. On May 16, 2008, Petitioner incorporated in Illinois as a non-profit organization under the name FK Republika Srpska, NFP.

3. On information and belief, on or about February 2009 former participants in Petitioner's soccer tournaments, games and instructional courses disassociated themselves from Petitioner to form Registrant.

4. After Petitioner's first use of the FK REPUBLIKA SRPSKA trademark and name, Registrant applied to register and obtained two registrations for the FK REPUBLIKA SRPSKA mark in connection with "sports jerseys and breeches for sports" in Class 25 (Reg. No. 3,823,417) and "entertainment in the nature of soccer games; organizing sporting events, namely, soccer competition; soccer camps; soccer instruction" in Class 41 (Reg. No. 3,823,424).

5. Registrant's use and registration of the trademark FK REPUBLIKA SRPSKA are without Petitioner's consent or permission.

6. Registrant's use of the mark FK REPUBLIKA SRPSKA shown in the aforesaid registrations is likely to cause confusion, mistake or deception as to the source of origin, sponsorship or approval of Registrant's goods in that purchasers are likely to believe that Registrant's goods are Petitioner's goods, or are in some way legitimately connected with, licensed or approved by the Petitioner.

7. In the December 23, 2009 Declaration of Mile Petkovic ("Petkovic Declaration I") submitted as part of the application from which Reg. No. 3,823,417 issued, Mr. Petkovic stated, in relevant part, that "he/she believes the applicant to be the owner of the trademark/service mark sought to be registered... to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce."

8. In the January 13, 2010 Declaration of Mile Petkovic ("Petkovic Declaration II") submitted as part of the application from which Reg. No. 3,823,424 issued, Mr. Petkovic stated that "he/she believes the applicant to be the owner of the trademark/service mark sought to be registered... to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce."

9. When Registrant filed the Petkovic declarations, Registrant knew that it was not the owner of the FK REPUBLIKA SRPSKA mark and that Petitioner had the prior exclusive right to use the FK REPUBLIKA SRPSKA mark in commerce.

10. Registrant knowingly made sworn statements in its applications to register the FK REPUBLIKA SRPSKA trademark with the intent to deceive the United States Patent and Trademark Office for the purpose of obtaining registrations to which Registrant was not entitled.

11. In reliance on Mr. Petkovic's sworn statements, the United States Patent and Trademark issued two registrations to Registrant for the FK REPUBLIKA SRPSKA mark.

12. Registrant committed fraud on the United States Patent and Trademark office by virtue of the false claim of ownership of the FK REPUBLIKA SRPSKA mark in the Petkovic declarations.

13. Registrant has no claim of ownership over, and is not the owner and never was the owner of, the FK REPUBLIKA SRPSKA mark.

14. Reg. Nos. 3,823,417 and 3,823,424 are *void ab initio*.

WHEREFORE, continued registration of both registrations for the aforesaid mark for the aforesaid goods is and continues to be damaging to Petitioner and Petitioner requests that these registrations be canceled.

Petitioner submits the requisite filing fee in the amount of \$600.00. Please debit any deficiency or credit any overpayment to Account No. 16-0650.

Please address all correspondence to Philip Barengolts, Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By /s/Phil Barengolts
Phillip Barengolts
Daniel I. Hwang
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Petitioner

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this **CONSOLIDATED PETITION FOR CANCELLATION** is being electronically transmitted to the United States Patent and Trademark Office on May 27, 2011.

/s/Phil Barengolts

CERTIFICATE OF SERVICE

I, Daniel I. Hwang, hereby certify that a copy of the foregoing **CONSOLIDATED PETITION FOR CANCELLATION** was served upon Athletic Foundation Srpska, Inc., 328 E. Union Ave., Wheaton IL 60187, the correspondent of record for both registrations at issue herein, via first class mail, postage pre-paid, on this 27th day of May 2011.

/s/Phil Barengolts